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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,210	07/18/2003	T. Liam Leahy	101007.0003US1	2850
24392 7590 01/24/2008 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1050 Irvine, CA 92614-6232			EXAMINER LEE, CHI HO A	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/623,210

Applicant(s)

LEAHY ET AL.

Examiner

Andrew Lee

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 1031.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claims 1 and 5, it is unclear whether the claimed invention directed toward method or an apparatus.

Claims 1 and 5 appear to be directed to method claim, however the body of the claims lacks positive recitation. If the invention is directed toward an apparatus, the body of the claim lacks hardware and merely reciting "hardware" would have been a single means.

Claim 1, as claimed, it is unclear how the "first destination identifier" and "second destination identifier" are related "to clause" the first and second packets to be transmitted to the same destination when the destination identifiers are different. Applicant is requested to reference specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Satran et al U.S. Patent Number 6,430,183.

Re Claim 1, fig. 1 teaches plurality of sources T1~Tn multiplexing packets (a set of ordered packets) to plurality of receivers R1~Rm wherein the system includes both hardware and software (See col. 3, lines 30 +), wherein 120 addresses a first type of packet (see fig. 2) having a unicast destination address(a first destination address) to destination receiver, 120 also addresses a second type of packet having a mutlicast destination address (a second destination address) wherein the multicast group includes the destination receiver wherein the unicast address and multicast address are different whereby the 120 causes the packets types to be transmitted to the destination accordingly.

Re Claims 2, 6, refer to Claim 1, wherein the packet conforms to TCP/IP standard.

Re Claims 3, 5, refer to Claim 1, wherein different sources are associated with different source addresses.

Re Claims 4, 7, 8, refer to Claim 1, wherein one authorized users are permitted access (do not identify the system).

Re Claim 9, refer Claim 1, wherein the set of packets includes a content of single file such as MPEG.

Re Claim 10, refer to Claim 1, wherein each packet is associated with source address and destination address pair for instance, T1/R1 , T2/R2 are unique pair.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satran et al U.S. Patent Number 6,430,183 in view of Munshi U.S. Patent Number 7,010,590.

Re Claims 11 and 12, Satran fails to teach transmitting a dummy packet. However, Munshi teaches transmitting dummy packets for determining the capacity of the path connecting the nodes. One skilled in the art would have been motivated to transmit dummy packets to determine the capacity of the link for reliability.

7. Claims 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas PG-PUB 2004/0010618.

Re Claim 13, fig. 2 teaches a first network device 210 with a translation table; 210 receives plurality of packets 202 and 204 for different sources whereby 210 sends a set of ordered of packets to the destination node 208 (a destination); multiple tickets (a set of destination identifiers) are associated with 208 [0028+] (See information packets being received at 208); 210 provides a set of packets to be sent to the destination 208

by assigning tickets to packets 202 and 204 (different destination identifiers) and sending the translated packets to the second network device.

Allowable Subject Matter

8. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In combination with claims 13 and 14, prior art fails to teach assigning each ordered packets different source identifier to cause the system to send the packets.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firman Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANDREW C. LEE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'A. Lee', written over the printed name and title.